HUMAN RIGHTS-BASED APPROACH IN DISASTER RESPONSES

Tuesday 23 May 2023
1:00-2:30 pm online

NCOSS Community Sector
Disaster Capability Project-
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Session outline

Part 1
- 'Disaster Risk Reduction' (DRR) as context
- Human Rights-Based Approach Principles

Part 2
- Applying Rights-Based Principles in disaster contexts

Part 3
- Whole group reflection

Finish

PART 1

Introduction and context

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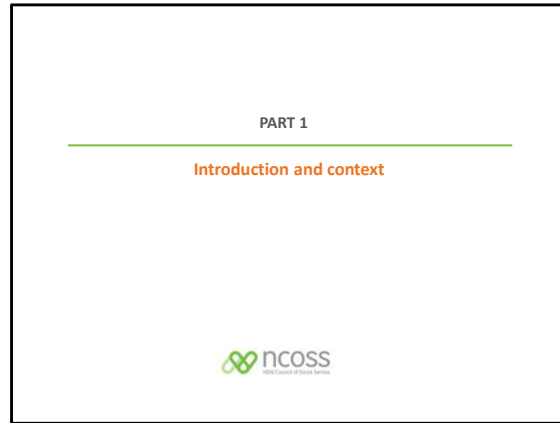
We acknowledge First Nations peoples as the sovereign custodians of Country, and pay respects to Elders of past and present, and pay respects to First Nations people joining us today.

- In thinking about the impact of disasters on people, we a reminded to listen to our First Nations people who:
  - ➢ Understand their land, waters and seasons and how to live in a balance with them
  - ➢ Understand and acknowledge the power and importance of the connection between all people and things
  - ➢ Know the cost when people's rights are not protected and the hard work required to highlight these issues and advocate for a better system.

- We use the term "disaster responses" to capture the very broad array of roles within the community services sector, particularly in disaster contexts. This may include:

  - Providing immediate material or emotional support
  - Providing support in the short and longer term recovery
  - Providing your core services as people navigate issues that are exacerbated after the disaster event.

- We will focus on the term 'Disaster Risk Reduction'
  - what it means, and,
  - what actions we are taking, or can take, to reduce disaster risk for the people we work with.

➢ *We note that many of us have experienced at least one disaster recently – be it pandemic, flood, fire or another crisis.*

➢ *We acknowledge that there is often pain, anger and frustration when we think about our own, or others' disaster experiences.*

➢ *Those feelings are normal – disaster responses in the last few years have not been adequate to the challenges presented to us.*

➢ *And we've seen, people experiencing vulnerability are often the most severely impacted by disasters, and, often have the least resources to recover well.*

*Transformative times have fast-tracked us
into transformative thinking.*

https://www.newscientist.com/article/mg22730290-300-33-reasons-why-we-cant-think-clearly-about-climate-change/

➢ *Large scale and frequent climate and health hazards have forced us to think and work in new ways.*

➢ *It is no longer realistic to think of singular responses to singular disaster events.*

➢ *We are in a transformative time now, when many people – people in different sectors, in impacted communities, with different abilities - are thinking "What can I do, with my experience, my role, my expertise, to ensure this doesn't happen again?"*

➢ *These climate and health hazards will continue, with increasing frequency and scale, but they don't have to become disasters.*

➢ *We all have knowledge, experience, expertise and, I believe, the strong motivation to significantly reduce the risks that we face from these hazards.*

Rights-Based Approach: a framework to build on.

https://www.rgscontractors.com/structural-stability-lies-in-concrete-foundation/

- When we looked at the **link between Human Rights-Based Approach and Disaster Risk Reduction** for this session, we found that there was quite a bit of work done internationally (links to some is included with the session resources) but it is a topic that hasn't been widely discussed in the Australian context yet.

- This session will be an **introductory look at applying a Human Rights-Based Approach in disaster responses** with some valuable examples provided by our guest panellists.

➢ First, let's unpack the term "Disaster Risk Reduction"….
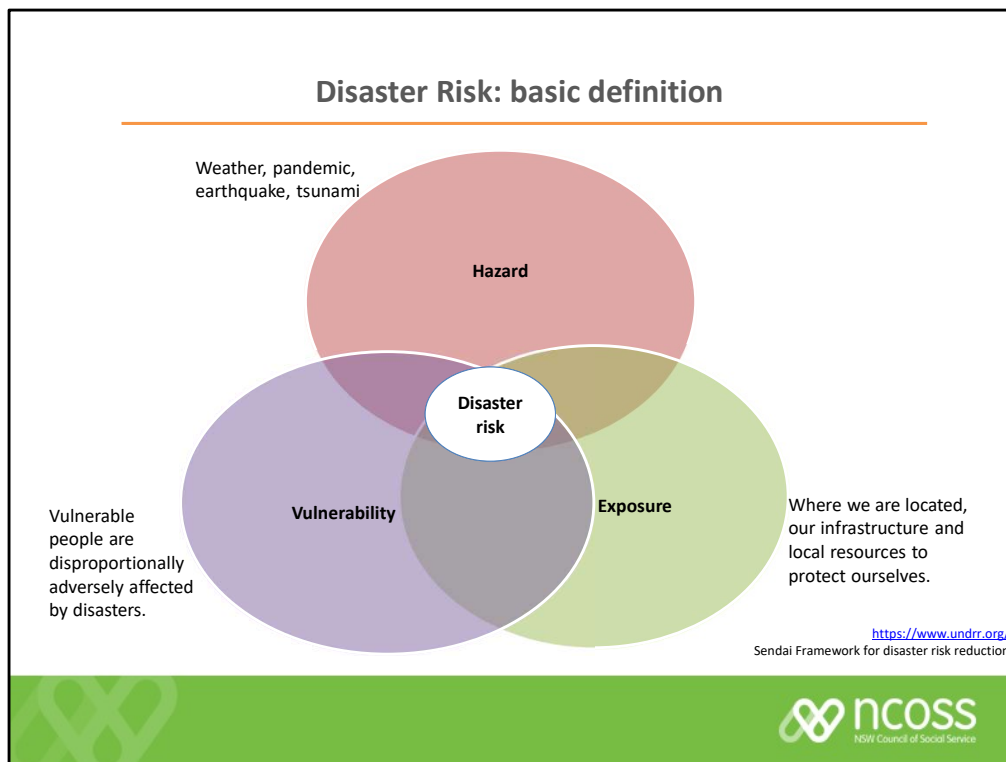
The **UN Office for Disaster Risk Reduction (UNDRR)** and most literature express disaster risk as **hazard x exposure x vulnerability**.

Disaster risk is the interaction between the **hazard event and people's exposure and vulnerability**.

Hazard, vulnerability and exposure are influenced by a number of risk drivers, including:

- poverty and inequality,
- badly planned and managed urban and regional development,
- climate change and
- environmental degradation.

(Source: https://www.preventionweb.net/understanding-disaster-risk/component-risk/disaster-risk)

This illustration helps us to think about **where the community services sector** may have a role in reducing disaster risk.

- Activities to address the Hazard – climate change/adaptation education and action – ACOSS Fair, Fast and Inclusive Climate Change Action https://www.acoss.org.au/climate-change-and-social-justice/

- Activities to address Exposure – E.g. Better Renting Sweaty and Stressed report – the impacts of extreme heat https://assets.nationbuilder.com/betterrenting/pages/364/attachments/original/1677534064/Sweaty_and_Stressed_v1.4.2.pdf?1677534064

- Activities to address Exposure and Vulnerability - Centre for Just Places: Intersection of climate change impacts with existing inequities E.g. https://jss.org.au/articles/centre-for-just-places-climate-resilience-community-sector/

- Activities to address Vulnerability – broadly, the work we do supporting people who are experiencing vulnerability. Specifically, the work we do supporting vulnerable groups who have been, or are at high risk (vulnerability + exposure) of being impacted by disasters.

- **lack of coping capacity = organisational capacity** – the capacity of government systems and services like ours that support the community

Through the **Community Sector Disaster Capability Project – a partnership between NCOSS, AbSec and LCSA**, local service organisations in three locations are being **supported to strengthen connections with local disaster agencies and systems**, and **build capacity to reduce the impacts of disasters, particularly on vulnerable communities and community members**.

The Project aims to build a **collaborative, networked approach to local disaster management**. https://www.ncoss.org.au/disaster-capability/

There are probably a lot of other examples you can think of, add them to the Chat.

## Disaster Risk: basic definition

Community support organisations contribute to reducing disaster risks in prevention and preparedness, but are also subject to disaster risks.

Disaster risk reduction capacity is the combination of all the strengths, attributes and resources available within an organization, community or society to manage and reduce disaster risks and strengthen resilience.

A human rights based approach to disaster risk reduction aims to reduce vulnerability.

https://www.undrr.org/
Sendai Framework for disaster risk reduction

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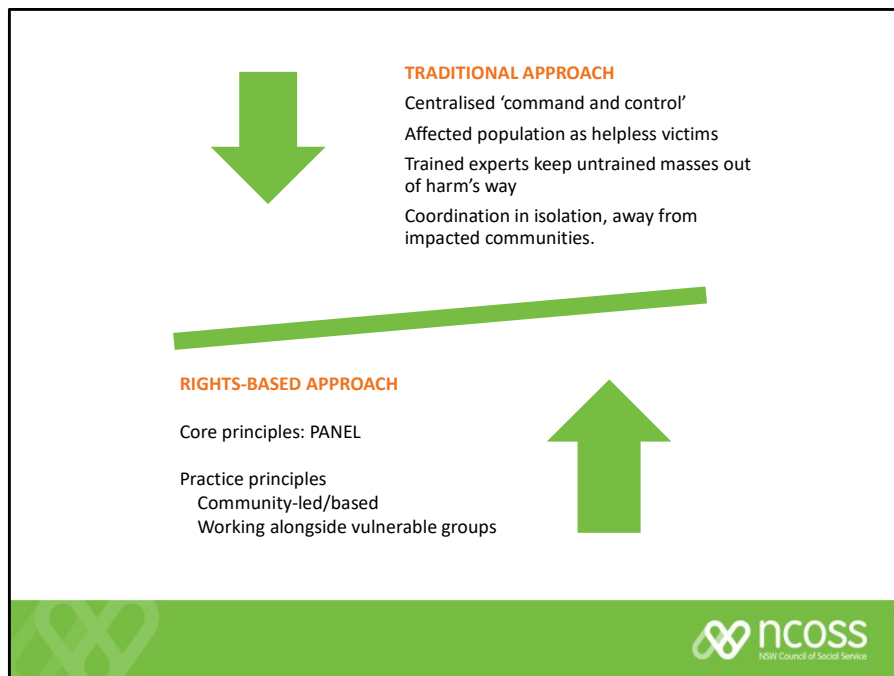
Traditional emergency management thinking is a top-down, command and control model which often makes two assumptions about communities.

- First, it sees **other forms of social organisation (voluntary and community-based organisations, informal social groupings and families**) as separate to emergency action.

- Spontaneous actions by affected communities or groups (e.g., search and rescue) can be viewed as irrelevant or disruptive, because they are not controlled by the authorities.

- The second assumption is that **disasters produce passive 'victims'** who are overwhelmed by crisis or engage in dysfunctional behavior (panic, looting, self-seeking activities). They therefore, **need to be told what to do and their behaviour must be controlled** — in extreme cases, through the imposition of martial law.

Much recent disaster response, recovery and preparedness has highlighted a different way of working, emphasising the importance of communities and local organisations in disaster risk management.

The rationale for **community-based disaster risk management** is that it:

- responds to **local problems and needs**,
- capitalises on **local knowledge and expertise**,
- is **cost-effective**,
- improves the **likelihood of sustainability** through genuine '**ownership**' of projects,
- strengthens community **technical and organisational capacities**, and
- **empowers people** by enabling them to tackle these and other challenges.

How can these two very different approaches work together?

- In disaster response
- In long term recovery
- In preparedness and reducing risk

The UN Office for Disaster Risk Reduction sees successful DRR as a combination of top-down, institutional changes and strategies, with bottom-up, local and community-based approaches.

References:

1) *Megan Krolik https://knowledge.aidr.org.au/resources/ajem-oct-2013-exploring-a-rights-based-approach-to-disaster-management/*
2) *https://en.wikipedia.org/wiki/Disaster_risk_reduction*
   - *Quarantelli EL 1998, Major Criteria for Judging Disaster Planning and Managing and their Applicability in Developing Societies (University of Delaware: Disaster Research Center, Preliminary Paper 268).*
   - *Dynes RR 1994, 'Community Emergency Planning: False Assumptions and Inappropriate Analogies'. International Journal of Mass Emergencies and Disasters 12(2): 141–158.*

The concern	The approach
Socio-economic inequality, as well as disaster risk, is likely to continue to increase for communities that have limited opportunities to manage their risks and to strengthen their resilience.	A human rights-based framework for –
-United Nations Office for Disaster Risk Reduction (UN DRR)	• Understanding how inequality and risk interact; • Empowering people to build a resilient life; • Holding governments, institutions and we, as service providers, accountable.

So here's the juxtaposition of the concern at hand, and the approach that we're seeking to understand and apply.

Rights-Based Approach

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Turning human rights

from purely legal instruments

into

effective policies,

practices,

and practical realities.

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- Australian Human Rights Commission
https://humanrights.gov.au/our-work/rights-and-freedoms/human-rights-based-approaches

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The 'PANEL' Principles

P — enabling meaningful participation of all key people and stakeholders

A — ensuring clear accountability, identifying who has legal duties and practical responsibility for a human rights approach

N — non-discrimination: discrimination avoided, attention paid to groups made vulnerable

E — empowerment of staff and service users with knowledge, skills and commitment to realising human rights

L — expressly apply human rights laws, particularly the Human Rights Act

(British Institute of Human Rights, 2013)

Photo credit:
https://actforukrights.files.wordpress.com/2014/03/panel.jpg

The Australian Human Rights Commission acknowledges that the application of a human rights-based approach varies according to the nature of organisations and issues.

However, there are five common key principles, known as PANEL, that we seek to apply as a society:
Participation, Accountability, Non-discrimination and Equality, Empowerment and Legality.

Fay Jackson is a multi-award winner in human rights and disability rights. As a member of the 'Mud Army' first responders in Northern NSW during the big floods of early 2022, Fay offers raw firsthand insights into community-led disaster recovery and resilience.

Lisa Cameron de Vries has nearly two decades of experience working with NGOs across the Middle East, Asia and Australia. She provides disaster risk reduction advice and services to federal, state and local governments as well as not-for-profit organisations. Lisa has worked with community support organisations in responding to and recovering from various crises.

Dr Grant South is a Social Worker and Project Lead of Ngunya Jarjum's 'Planning for Disaster' project, which aims to develop culturally safe disaster preparedness tools, and to work with families in developing their own disaster management plans.

Last but not least, Anne has been leading teams and projects that are focused on supporting people and communities impacted by disaster events, and is a passionate advocate and supporter of community-informed and community-led resilience planning and action.

Reflection questions

For those who like focusing their thoughts while listening, we'll put some reflection questions in the Chat.

Suggested reflection questions':
- *How do you see your role in supporting rights-based disaster capabilities within your community?*
- *What stands out for you in this discussion?*

PANEL principles "self-assessment tool" was developed by the Scottish Human Rights Commission in 2018.

We will lift select questions from the tool, to guide our panel discussion.

References*:*
https://www.scottishhumanrights.com/media/1814/shrc_panel_self-assessment_tool_vfinal.pdf
https://www.scottishhumanrights.com/projects-and-programmes/human-rights-based-approach/
https://www.scottishhumanrights.com/media/1409/shrc_hrba_leaflet.pdf

This principle is 'enabling meaningful participation of all key people and stakeholders'.

Focus: 'Mud Army' volunteer movement in the Northern Rivers during 2021-2022 floods

1) Looking at the principle of Participation (and these questions in the self-assessment tool), what are the realities of translating principle into practice?

2) What is your advice for ensuring people with lived experience are partners in a disaster risk reduction process?

3) What are your TOP TWO tips for community organisations around translating this principle into practice?
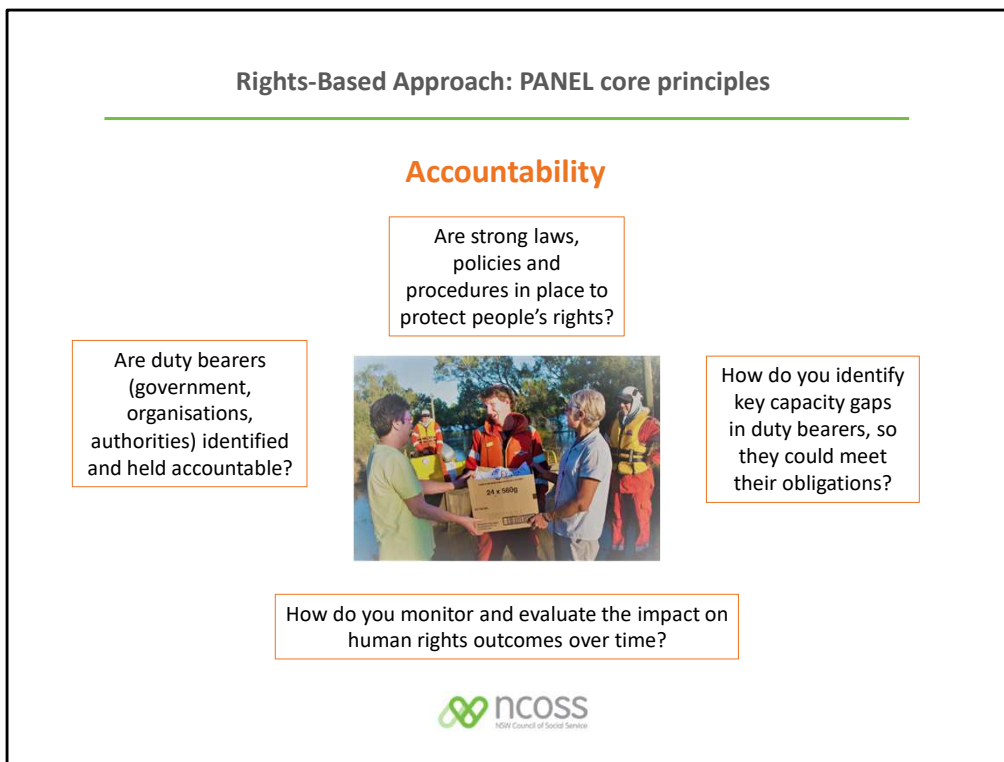
Accountability – ensuring clear accountability, identifying who has legal duties and practical responsibility for a human rights approach

Phoenix Resilience capability mapping process

NCOSS' Human Rights-Based Approach sessions of the previous 2 years emphasised that we, as providers of social support services, are also accountable for providing support to those who need it. So, in the disaster context, we need to consider both holding government and other institutions to account and also, how we are accountable to the community.

1) Tell us a little about the capability mapping process you led these organisations through.
2) How did services address capacity gaps identified?
3) Looking at these self-assessment questions, what are your TOP TWO tips for community organisations around translating the principle of Accountability into practice?

Accountability

- Queensland Disaster Management Act

- Responsible entity – Local Government - Local Recovery Group

- Membership must enable disaster planning for vulnerable communities

- Mandatory to meet regularly, exercise, review performance and continually improve

Queensland

Disaster Management Act 2003

Current as at 1 March 2023

Rights-Based Approach: PANEL core principles

Non-discrimination and equality

How do you identify the impact on 'protected characteristics'*?

How do you prioritise the most vulnerable, those who face the biggest barriers to realising their rights?

How do you address issues of
universal accessibility
(making things accessible for all groups of people) and
reasonable accommodation
(making adjustments so that things are accessible to a particular individual)?

age, disability, gender reassignment, race, religion or belief, sex, sexual orientation, marriage and civil partnership, and pregnancy and maternity

Non-discrimination and equality - Discrimination avoided/addressed, attention paid to groups made vulnerable.

1) Tell us a little about Ngunya Jarjum's 'Planning for Disaster' Project.
2) For this Project, you have made 'reasonable adjustments' to ensure the project is accessible by making it specifically for your local Aboriginal communities. Broadly, what are some of the barriers Aboriginal families face when making decisions on disaster preparedness? How can we work to overcome these?
3) Looking at these self-assessment questions, what are your TOP TWO tips for community organisations around translating principle into practice?

Planning For Disaster Project

Human Rights in Disaster Responses
NSW Council of Social Service (NCOSS) Learning event

Community Empowerment Practice Framework

Theory + Practice

Rebuilding hope and resilience through empowering our families in Community to;

Minimise the degree of reliance and dependency on sector disaster support services, as a protective factor

Plan for, and respond to their own needs wherever possible

Reduce initial support needs, thereby reducing potential environmental and structural challenges

Seek support and access resources early in crisis to manage disruption, avoiding deepening crisis and hardship

PFD Hub

Link to the *EmergencyPlus* App, including *what3words*

Links to regional, State & National Mental Health, Social and Emotional Wellbeing, & Disability support services
Link to the National Relay Service, including Auslan services, and Accessibility features embedded in the PFD website design
Links to regional & State Pet and Animal Welfare Services, including Livestock, & Wildlife
Links to Northern River's Aboriginal Land Councils

Link to Community Transport

Links to Emergency Services, & websites, including disaster-specific information

Connect to Emergency Services

Connect to MH, SEWB & Disability Support Services

Connect to LGA Disaster Dashboards & National Radio

PFD Web-based Household Disaster Planning Tool

Connect to Household Pet and Animal Welfare

Connect to Medical & Health Services

Connect to Emergency & Crisis Relief

Links to up-to-date local information across all 7.5 LGA's of the Northern Rivers

Links to National and regional Radio stations

Links to regional Aboriginal Medical Services (AMS's) & NSW Health Hospitals and Medical Services

Links to Charities & other Crisis Relief providers including *Community Food Pantries* across the Northern Rivers

3 Key Learnings & Top 2 Tips

In Response; to recent reports such as the *Final Report of the NSW Bushfire Inquiry, 31 July 2020, p. 379, which states –*

"*The inquiry was disappointed to learn that is some community's, Aboriginal people felt unwelcome at evacuation centres, and in some cases support services were reluctant to provide immediate relief. These experiences compounded the trauma they had already experienced as a result of the bush fires, and in some cases led to people putting themselves at risk as they feared how they would be treated in evacuation centres*".

1. A present gap in commissioned services raising *Human Rights* concerns of non-discrimination and equality. (Risk factor)

2. A present gap in ACCO representation within commissioned disaster support services across regional areas (Risk factor)

3. A present gap in First Australian trauma-informed Social & Emotional Wellbeing supports (Risk factor)

Reflection & Further Discussion

1. What are Human Service providers actively doing to ensure that their staff, policies, service design and delivery upholds non-discrimination and equality, as per, State and Federal legislation?

2. Why are well-established regional ACCO's not currently represented within State commissioned disaster support services strategically across each regional area of NSW; and what are Human Service agencies and sector providers doing to actively ensure their inclusion as a Human Rights/social justice measure?

3. How are service providers actively working towards ensuring that First Australian Social and Emotional Wellbeing is not further burdened and negatively impacted upon through the increase of Health-related risk factors in the delivery of commissioned services?

Top 2 Tips

1st: Seek inclusion of ACCO's to improve services (Protective factor)

2nd: Seek culturally informed training, clinical mentoring, and opportunities for co-design (Protective factor's)

**Empowerment of staff and service users with knowledge skills and commitment to realise human rights.**

'Resilient Village Blue Mountains' has been working with recovering communities since the 2013 Blue Mountains bushfires.

1) Tell us a little about Resilient Villages.

2) Residents in the Blue Mountains are often very aware of what they need for their community to be resilient in the face of disasters such as bushfire – how are they supported to influence the policies and practices that affect their lives?

3) Looking at these self-assessment questions, what are your TOP TWO tips for community organisations around translating this principle into practice?

Rights-Based Approach: PANEL core principles

Empowerment

Resilient Villages: A community partnership project
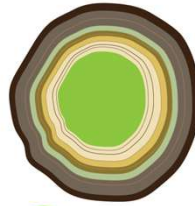
resilient villages
by the community for the community

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Rights-Based Approach: PANEL core principles

Empowerment

What we have learned from communities

Empowerment is not something that can be bestowed on individuals and communities

Empowerment can be actively denied, ignored and dismissed
or actively acknowledged, amplified and supported

Sometimes the quietest voice/s in the room can embody empowerment –
Empowerment looks, sounds and operates differently across different contexts.

Walking alongside communities at their pace helps to
co-create the conditions that strengthen and grow localized power and action
(be prepared to follow **and** lead).

It takes time (sometimes a long time) to authentically understand and effectively
partner with community. Future funding models need to reflect this reality.

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'Top tips'

Get knowledgeable about how power operates and influences recovery and resilience outcomes.

Share this knowledge – get curious – ask *uncomfortable* questions.

Turn mainstream program logics upside down – empowerment becomes the primary resilience KPI.

Expressly applying human rights laws, particularly the Human Rights Act.

- Finding people who had looked at the Human Rights Based Approach and Disaster Risk Reduction in the Australian context was quite hard.
- In the PANEL model, 'Legality' is the weight that gives the principles some heft.
- It's really valuable to have these principles for working with people to reduce disaster risk, but what action can we take when rights are being breached?

The *InterAgency Standing Committee Operational Guidelines for Human Rights and Natural Disaster* divide human rights into four groups.

(A) rights related to physical security and integrity (e.g. protection of the right to life and the right to be free of assault, rape, arbitrary detention, kidnapping, and threats to these rights);

(B) rights related to basic necessities of life (e.g. the rights to food, drinking water, shelter, adequate clothing, adequate health services, and sanitation);

(C) rights related to other economic, social and cultural protection needs (e.g. the rights to be provided with or have access to education, to receive restitution or compensation for lost property, and to work); and

(D) rights related to other civil and political protection needs (e.g. the rights to religious freedom and freedom of speech, personal documentation, political participation, access to courts, and freedom from discrimination).

- There are some state laws that could be used to highlight Human Rights breaches in disaster contexts such as the Anti-Discrimination ACT, and the NSW Disability Inclusion Act, or people can apply to the Human Rights Commission. But currently many laws that can be enacted to protect these rights so, for example, the right to shelter might be pursued through tenancy or insurance law. NSW is missing law specifically to protect human rights.

- The previous Human Rights Based Approaches sessions gave great examples of how the Human Rights Acts in Queensland and Victoria have been use to protect the rights of people experiencing disadvantage. A Human Rights Act in NSW, or a national Human Rights Act, would give a clear framework for upholding people's rights after disaster. More information on a Human Rights Act for NSW is included in the session resources.

- There is also the assumption that human rights can be suspended because of a disaster. Bill Mitchell from Townsville CLC notes that most legal frameworks have strict conditions of the limitation of human rights during disaster. Disasters cannot be used as an excuse to indefinitely suspend human rights.

- But how can we ensure, in the reality of disaster events, that people's rights are protected? It starts with discussions like this one today.

  - Considering our role in DRR, creates the opportunity to take action on what can be done now, before a disaster, to eliminate or reduce the risk that people's basic human rights will be breached when a disaster occurs.
  - Action on DRR also provides a space for defining what can be done to protect rights after a disaster.

Reflection: all participants

- How do you see your role in supporting rights-based disaster capabilities within your community?

- What stood out for you in today's discussion?

Practical opportunities to reduce disaster risk

Awareness
- Know your local context, organisational hazard exposure and how disasters affect your organisation

Prevent
- Build your organisational resilience
- Work with vulnerable people/ communities to build their resilience
- Enhance awareness of disaster responders on the specific needs of vulnerable people/ communities

Plan
- Develop a plan for mitigating your remaining vulnerabilities

Prepare
- Have methods in place to become aware of hazards/threats early
- Have communication and coordination structures in place
- Build a resilience network
- Have resource sharing arrangements in place
- Train and practice for disasters

Awareness

- Know your organisations' hazard exposure (where are you located, how vulnerable are your premises, how vulnerable are your people, how well resourced are you).
- Know how disasters affect your organisation (how could it affect your service delivery capacity in case of a disaster?)
- Know your local context (who needs our help and how do we help them in disaster).

Prevent

- Build resilience in your facilities, operating systems, communication channels, people.
- Work with vulnerable people/ communities to build their resilience through awareness, knowledge, techniques and resources.
- Enhance awareness of disaster responders on the specific needs of vulnerable people/ communities.

Plan

- Develop a plan for mitigating your remaining vulnerabilities.

Prepare

- Have methods in place to become aware of hazards/threats early (Early Warning)
- Have communication and coordination structures in place.
- Build a resilience network with local emergency services, Government and other agencies that can be enacted in case of disaster.
- Have resource sharing arrangements in place with other community service organisations.
- Train and practice for disasters.

NCOSS Community Sector Disaster Capability program

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Queries about 'Human Rights-Based Approaches' learning series to:

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